

Notice of Allowability

Application No.

09/720,971

Examiner

Zachary A. Davis

Applicant(s)

IMMONEN, OLLI

Art Unit

2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Notice of Panel Decision from Pre-Appeal Brief Review mailed 14 November 2007.
2. ☒ The allowed claim(s) is/are 1-12, 15-40 and 42-68.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 20040415
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

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EXAMINER'S AMENDMENT

1. A pre-appeal brief request for review was received on 17 September 2007. As noted in the Notice of Panel Decision mailed 14 November 2007, the rejections were withdrawn. Upon further search and consideration, Claims 1-12, 15-40, and 42-68, being the remaining pending claims, are allowed. An Examiner's amendment is provided below to correct informalities remaining in the claims but is not considered to affect the scope of the claims.
2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.
3. The application has been amended as follows:

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IN THE CLAIMS:

Please **REPLACE** Claims 8, 23, 43, and 45 with the following amended claims:

8. A wireless communication apparatus according to ~~claims~~ claim 5 wherein the signature is stored on the separate unit.

23. A memory card for establishing a secure connection between a wireless communication apparatus and a data communication apparatus based on a wireless application protocol and comprising contact means for cooperation with the wireless communication apparatus, the memory card comprising:

a memory ~~for storing~~ that stores a master secret code associated with the data communication apparatus and having been generated in response to a request from the wireless communication apparatus to provide such code for utilization of the master secret code during communication with the data communication apparatus in order to re-establish a secure connection.

43. A memory card according to claim 16, ~~[[is]]~~ provided on a smart card.

45. A system according to claim 20, wherein the memory means is a smart card.

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Allowable Subject Matter

4. Claims 1-12, 15-40, and 42-68 are allowed.
5. The following is an examiner's statement of reasons for allowance: The record of the prosecution of the present application as a whole (see especially the pre-appeal request for review received 17 September 2007) makes clear the reasons for allowance, and therefore a separate statement of reasons for allowance is not necessary. See 37 CFR 1.104(e).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
 - a. Immonen, US Patent 6931528, issued from a national stage application of international application WO99/25093, which was cited by Applicant on an earlier information disclosure statement and has the same named inventor.
 - b. Little et al, US Patent Application Publication 2005/0232428, discloses a system that generates a master key after receiving a public key from a user.

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However, this publication does not qualify as prior art for the present application, and is included for the sake of completeness.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zachary A. Davis whose telephone number is (571) 272-3870. The examiner can normally be reached on weekdays 8:30-6:00, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Matthew D. Smithers
MATTHEW SMITHERS
PRIMARY EXAMINER
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